



OCEAN TRANSPORTATION SERVICES

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Submitted by Fax to 202-493-2251

July 25, 2003

Docket Management Facility (USCG-2003-14749) – 53
Department of Transportation, Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Re: Docket USCG-2003-14749

Gentlemen:

Horizon Lines operates seventeen U.S. flag container vessels in non-contiguous domestic liner trades. We also operate marine container terminals in San Juan, Dutch Harbor, Anchorage, Kodiak and Honolulu, operate as a tenant in ten other marine container terminals operated by other parties and have vessel calls in non U.S. ports. We have had vessel security plans integrated into our Safety Management System for the past couple years; these comments are based on our experience with those plans.

Conducting The Vessel Security Assessment

In the Preamble on Federal Register Page 39296 it is stated "The Designated Company Security Officer must conduct the on-scene survey by examining and evaluating existing vessel protective measures, procedures and operations." This appears to be a requirement for the CSO to physically do each VSA himself. For a fleet of any size this is an extremely impracticable and expensive requirement. It is also a requirement that is eliminated by the actual regulation. 33 CFR 104.210 (a) (4) specifically allows the CSO to delegate, without restriction, his duties. 33 CFR 104.300 (c) allows the use of third parties to do VSA's. It is recommended the Preambular language be corrected to reflect the regulations and to avoid future interpretive problems.

33 CFR 104.200 – Owner or Operator

Sub-paragraph (b) (6) requires the vessel owner or operator to ensure access through facilities for crew and others. Access problems, when they exist, are usually due to restrictions instituted by the facility or port; these restrictions are usually totally beyond the control of the vessel owner or operator. Access to and from the vessel is essential for crew morale, safety and even vessel maintenance and repair. Providing controlled access to the ship and to shore from the ship

should be a mandatory requirement in each facility security plan. It is recommended the language in 33CFR105.405 (a) (6) be modified by adding “, including procedures for personnel access through the facility to and from the ship;” to the end of the existing verbiage.

33 CFR 104.225 – Security Training For All Other Vessel Personnel

The requirement to provide detailed security training to all contractors who work on a vessel is an impractical if not an impossible one. There are simply too many contractor personnel on our ships, doing primarily maintenance and repair work while the vessel is working cargo, for this to happen. Even if the time was available (it's not) to do training and the repair work, we, as an industry, cannot afford the resources to train an entire other industry. Unless a contractor has specific vessel security duties he should only need to know to report anything unusual, who to report it to, and how to react should he be onboard during a vessel emergency. This “domain awareness” training can be given in a matter of minutes before the contractor begins working. It is recommended that 104.225 be either reworded to reflect this type of training or eliminated completely.

33 CFR 104.235 – Vessel Record Keeping Requirements

The requirement to record training session information for all security training contained in 104.235 (b) (1) should not apply to minimal training activities such as “domain awareness” training that may be given to contractors and other casual personnel temporarily onboard a ship. It is recommended a sentence be added to the end of 104.235 (b) (1) that reads: “Short domain awareness and other orientation type training that may be given to contractor and other personnel temporarily aboard and not involved in security functions need not be recorded.”

33 CFR 104.255 – Declaration Of Security (DOS)

The DOS provides an assurance of effective coordination between a facility and vessel with regard to security and the interaction of their respective security plans. It can also represent an unnecessary administrative burden on both the vessel and the facility if it is being regenerated more often than is truly necessary to achieve the desired, effective coordination. Sub-paragraph (e) recognizes this but does not provide truly meaningful relief, particularly for vessels in domestic liner services. It is recommended that 104.255 (e) (1) (2) and (3) be changed to read:

1. The DOS is valid for the specific MARSEC level and the VSO/FSO have verified via email, phone or other suitable means prior to the vessel's arrival in the port that the provisions of the DOS remain valid;
2. The effective period of MARSEC Level 1 does not exceed 180 days; and
3. The effective period at MARSEC Level 2 does not exceed 90 days.

33 CFR 104.265 – Security Measures For Access Control

Sub-paragraph (e) (15) requires vessel personnel to be prepared to “repel unauthorized borders”. This requirement can easily put vessel personnel at far greater personal risk than might otherwise be incurred. It could well be an inappropriate response and, if it were a response that should truly be incorporated into a vessel's security plan, it would require the arming of vessel personnel. This act (of arming vessel personnel) has its own set of associated risks, risks that

should not be incurred. It is recommended sub-paragraph (e) (15) be amended by deleting everything after the word "board".

33 CFR 104.415 – Amendment And Audit

The requirements of this section do not encourage the VSP to be a living document that can readily respond to audit findings and lessons learned from drills and exercises. Companies should be encouraged to continually improve the VSP. This process would be facilitated if VSP updates were handled as SOPEP updates are currently handled, with an annual letter detailing for Coast Guard review all changes made to the Plan. With the possible exception of major Plan rewrites or changes mandated by the Coast Guard to correct serious security deficiencies, annual Coast Guard review of changes should be sufficient.

33 CFR 104.257 – Additional Requirements – Vessels On International Voyages and 33 CFR 104.120 – Compliance Documentation

The issuances of a VSP letter of approval and an ISSC seems to be duplicative. It is recommended that an ISSC be issued to all ships as evidence of Plan approval. It is further recommended that the inspection required by 104.297 (c) be combined with COI inspections and that the ISSC be renewed as part of the COI inspection process. We have sufficient inspections currently to gainfully occupy both the Coast Guard and the industry. Combining the COI and ISSC inspections will eliminate work for all parties without derogating either safety or security. The combined safety and security focus will most likely have a synergetic effect that will strengthen both.

Thank you for your consideration of these comments. Please feel free to contact me at 908-259-2803 if any clarification or additional information is needed.

Sincerely,

HORIZON LINES LLC



Michael T. Bohlman, Director
Marine Services

MTB:dk